

**City of Franklin Common Council
Regular Meeting Minutes
March 19, 2012**

The regular meeting of the Common Council of the City of Franklin, Indiana was called to order at 6:30 p.m. at City Hall, 70 E. Monroe Street, with Mayor Joseph E. McGuinness presiding. Council members Joseph Ault, Kenneth Austin, Stephen Barnett, Robert Henderson, Stephen Hougland, and Richard Wertz answered roll call. Clerk-Treasurer Janet P. Alexander Records Clerk Kathy Cragen and City Attorney Lynnette Gray were also present. Council member Joseph Abban was absent.

Mayor McGuinness opened the meeting and asked the Clerk-Treasurer to call the roll. Councilor Hougland offered an invocation, which was followed by a recitation of the Pledge of Allegiance.

Consent Agenda

Mayor McGuinness presented the consent agenda for approval.

- Approval of the March 5, 2012 Common Council Minutes

Councilor Barnett made a motion to approve the Consent Agenda as presented, seconded by Councilor Wertz. Councilor Ault abstained. A voice vote was taken with all other members stating Aye. The motion carried.

Mayor McGuinness asked to move item #6 from Other Business ahead of Old Business. Councilor Barnett made a motion to approve, seconded by Councilor Wertz. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Letter of Special Recognition - Dispatcher Maryann Gallagher-Little Police Chief Tim O'Sullivan accompanied by Maryann Gallagher-Little read a letter of recognition concerning an event that occurred the evening of March 6, 2012. That night Franklin Police Dispatcher Maryann Gallagher-Little assisted the Johnson County Sheriff's Office dispatchers responding to a robbery in progress at the CVS in Whiteland by relaying the information from a caller and keeping the caller on the line as officers responded. As a result, police officers arrested three people involved in the robbery. Chief O'Sullivan stated that all the dispatchers who worked this call did an exceptional job but the Chief especially wanted to recognize our dispatcher, Maryann Gallagher-Little for her efforts, excellent team work and for an all around job well done.

Award of the Police Commendation Medal to Officer Chris Gentry Police Chief O'Sullivan presented a Police Commendation Medal to Officer Chris Gentry: He explained that Officer Gentry received this medal because the Chief received notification from the Director of the Federal Bureau of Investigation (FBI) Terrorist Screening Center (TSC) that Officer Gentry contacted the TSC when he recognized a possible subject match to the Terrorist Watch list. The individual identified by Officer Gentry was in fact a "positive match" to a known or suspected terrorist. The Chief stated that Officer Gentry is a credit to our community and the entire law enforcement profession.

Mayor McGuinness thanked both Ms. Gallagher-Little and Officer Gentry for their service to our community.

Old Business

Common Council Resolution No.: 12-05 - A Resolution Setting Forth Final Action in Designating Franklin Business Park as an Economic Revitalization Area and Confirming Resolution No.: 12-04 Councilor Barnett made a motion to read by title only, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Mayor McGuinness read the title aloud. Planning Director Krista Linke came forward and stated this was a confirming resolution for Franklin Business Park ERA. A discussion was held. Councilor Austin stated this had a favorable recommendation from the EDC. Mayor McGuinness stated that this is a public hearing and asked for public comments. No one asked to speak. Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Common Council Ordinance No.: 12-03 - An Ordinance Approving vacating a Portion of Bartram Parkway Right-of-Way Within The City of Franklin, Indiana (To be known as Bartram Parkway Right-of-Way Vacation) Councilor Barnett made a motion to read by title only, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Mayor McGuinness read the title aloud. Senior Planner Joanna Myers stated that this request has been before the Council previously concerning the petition to vacate Bartram Parkway right-of-way. She stated that items discussed previously include agreements between three parties Tippmann Group, (CLF) Cooper Tire, and Franklin Tech Park Associates. Tippmann Group provided a number of signed documents to City Attorney Gray. A new issue that has come up involves the fire hydrants located in the Tech Park which should be the responsibility of the property owners. They agreed that with the vacation the hydrant on the west side of Bartram Parkway would then become a private hydrant that would be CLF's financial responsibility. A discussion was held confirming that all parties agreed that Tippmann would relocate the CLF hydrant to the east side of Bartram Parkway and become the financial responsibility of Tippmann. Ms. Myers stated that because there are public utilities within the right-of-way, the City has requested that Tippmann get in touch with the utility companies and provide documentation that the utilities do not object to the vacation of the right-of-way. If there is any objection Indiana Code says that easements would need to be in place where those utilities are located. Currently there are two utility easements that will remain and are located on both the east and west side of that right-of-way. The water line is on the east side and the sanitary sewer is located on the west side. City Attorney Gray stated that all three parties are represented here tonight. Dustin Huddleston Attorney for CLF (Cooper Tire) stated that there are a couple of deeds and an easement that need to be recorded and the recording information needs to be put into the provided agreement prior to recordation. Mr. Huddleston would ask that any approval be subject to recording these documents, and then submitting them to the City for their approval. Ms. Gray stated that if the vacation is approved the fire hydrants currently located on public property would need to be converted to private hydrants at the expense of the private property owner which will pay those expenses. She stated that this needs to be in writing, and should be a condition of the approval of the vacation as well. Mayor McGuinness opened the floor for a

Public Hearing. No one asked to speak. Councilor Barnett made a motion to approve vacating a portion of Bartram Parkway, Ordinance 12-03, with the conditions that Tippmann takes responsibility for relocating the fire hydrant from the west side of Bartram to the east side, that Tippmann takes financial responsibility by changing the public hydrants within the affected area to private hydrants, that the deeds provided by Mac McNaught are recorded, that the provisions of the written agreement presented be recorded and complied with by the parties prior to the vacation, and that written consent is obtained from all utilities or the appropriate easements for the utilities be recorded. His motion was seconded by Councilor Austin. A voice vote was taken, with all members stating Aye. No members stating Nay. The motion carried.

Common Council Ordinance No.: 12-07 - An Ordinance Approving Vacating A Sewer Easement Within The City of Franklin, Indiana (To be known as Bartram Parkway Sewer Easement Vacation) Councilor Barnett made a motion to read by title only, seconded by Councilor Henderson. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Mayor McGuinness read the title. Senior Planner Joanna Myers came forward and explained that the legal ad announcing the public hearing for Ordinance 12-07 and Ordinance 12-08 was not published in time to hold the public hearing tonight. This matter will be rescheduled for public hearing during the April 2, 2012 meeting. Councilor Ault made a motion to table Ordinance 12-07 & 12-08, seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried, and both Ordinances were tabled.

Common Council Ordinance No.: 12-08 - An Ordinance Approving Vacating Drainage & Utility Easements Within the City of Franklin, Indiana (To be known as Bartram Parkway D&UE Vacation) This matter was tabled until April 2, 2012.

New Business

Common Council Ordinance No.: 12-10 - An Ordinance Regulating Golf Carts Councilor Wertz made a motion to read the proposed ordinance aloud by title only, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried. Mayor McGuinness read the title aloud and stated that the proposed ordinance is presented for introduction only. The ordinance will be set for public hearing at the April 2, 2012 meeting. Mayor McGuinness said that he will not be in attendance on April 2nd, and that Council President Barnett will preside over that meeting. Councilor Ault asked that the Council wait until the Mayor returns before holding the public hearing. The Mayor said that his first concern is public safety and that the Police Department has voiced concerns about the proposed ordinance. Mayor McGuinness stated that he wants to know how this program will be regulated. He also requested that if the Council approves the ordinance that it take affect no sooner than July 1st. He also said that golf carts should not be allowed to use the walking trails.

Yearly Tax Abatement Compliance Report Premium Composite Technology NA - Amended Completion Date on Their SB-1 Form to March 31, 2013 Councilor Barnett made a motion to read the report by title only, seconded by Councilor Austin. A voice vote was taken, with all members stating Aye. No members stating Nay. The motion carried. Mayor McGuinness read the title. Planning Director Krista Linke came forward and stated that representatives from Premium Composite

Technology NA were at the Economic Development Commission (EDC) meeting last week and requested an amended completion date on their SB-1 form of March 31, 2013. Ms. Linke stated that the company plans to purchase the same equipment but not as quickly as anticipated. Councilor Austin stated that the EDC had discussed these issues at length, and that due to the tsunami Premium Composite had slowed down production, but they are now moving forward. Ms. Linke stated that the company has purchased 7.5 million dollars of equipment, but that it is not operational yet. Councilor Barnett made a motion to extend the deadline for Premium Composite Technology NA to March 31, 2013. This motion was seconded by Councilor Austin. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Yearly Tax Abatement Compliance Reports on Behalf of Economic Development Commission

Planning Director Krista Linke explained that Indiana Code requires that the compliance reports be approved annually. A discussion was held. Councilor Austin stated that the reports presented were previously approved by the EDC.

Premium Composite Technology NA: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Midstate Mfg. Corporation 12-05: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Electrospec, Inc. 12-06: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Pridgeon & Clay 12-07: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Overton Industries 12-08: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Overton Industries 12-09: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Overton Industries 12-10: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

NSK 12-11: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

NSK 12-39: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Superior Essex 12-13: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

BCC Products 12-16 & 17: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Precision Cutoff of Indiana 12-20: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Trussway 12-21: Councilor Austin made a motion to approve. A discussion was held with Councilor Barnett stating that he objects to this abatement since the company is not in business. The motion to approve was seconded by Councilor Wertz. A voice vote was taken with all members but one, voting Aye. Councilor Barnett voted Nay. The motion carried.

Mitsubishi 12-22: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken with all members stating Aye. No members stating Nay. The motion carried.

Wertz Timber & Veneer 12-25: Councilor Austin made a motion to approve, seconded by Councilor Barnett. A voice vote was taken. Councilor Wertz abstained, all other members stated Aye. No members stated Nay. The motion carried.

Review & Comment on Application Packets for Filing a Request to Vacate Public Ways & Platted Easements Senior Planner Joanna Myers told the Council that they had received a number of vacation requests recently and as a result have attempted to make the application forms and process more user friendly. Ms. Myers stated that the forms and process had been presented to the Board of Public Works and Safety for review also. A discussion was held.

Public Hearing for Roaring Run Drainage Study

Mr. Jonathan LaTurner, P.E., of DLZ came forward and presented the Roaring Run Drainage Study. Mr. LaTurner stated that DLZ was contracted to look at a diversion for Roaring Run, which is a substantially undersized pipe system coming into downtown Franklin. The initial idea was to divert water south into Hurricane Creek via an area off Jefferson Street which in the study is called the Best Management Practice Area (BMP). He explained that the BMP can be a wetland or a similar type area which is used to naturally clean the storm water as it enters the waterway. Often a BMP is also used by communities for education and can be designed as a mini park. The starting point for the diversion is a drain located at the intersection of Kentucky Street and Johnson Avenue. The study area or neighborhood is the section bound by Kentucky Street, Hurricane Street, Johnson Avenue and Jefferson Street. Roaring Run is approximately a 3 by 6 elliptical pipe that takes in too much water when there is a heavy rain fall. Mr. LaTurner stated that he recommends that the City plan to divert 50% of the water from the existing pipe. He also recommended that Roaring Run be maintained intact. He presented two different plans and identified issues associated with both. The 1st Alternate Plan runs a 36" pipe down Kentucky Street to Hurricane Street to Jefferson Street. The first alternate proposal moves water uphill requiring deeper trenches. A more difficult problem they identified, involves sanitary sewers located along the route which would be expensive to remedy. The 2nd Alternate Plan runs down Johnson Avenue to E. King Street to Hurricane to Jefferson Street. Mr. LaTurner favors the 2nd alternate as it has fewer issues than the first. In the second phase, if needed, they also suggested the installation of additional inlets along Adams and Madison Streets to take additional pressure off of Roaring Run. Mr. LaTurner stated that this project could be done in phases. In response to Council questions, Mr. LaTurner estimated that the main trunk would cost between \$600,000 and \$800,000. The laterals \$400,000 and the BMP could run anywhere from \$75,000 to \$225,000. The higher estimate is for the 100% diversion. A 50% diversion would reduce the cost of the main trunk by approximately \$200,000. A discussion was held. Councilor Henderson asked if there are restrictions on the use of the identified BMP area since the homes were originally purchased with FEMA grant funds. Senior Planner Joanna Myers stated that plans would have to be submitted to IDHS and FEMA for their review and approval. MS4 Coordinator Richard DeWitt agreed with Ms. Myers. Councilor Wertz asked if there were grants available for this type of project. Mr. LaTurner stated that there are OCRA grants available for different types of projects of this nature. He offered to inquire.

Mayor McGuinness opened the floor for a public hearing. Resident Gary Moody came forward and spoke about his thoughts on this project. Mr. Moody pointed out that Williams Creek Engineering did a study of this area previously before DLZ was hired; he thinks further study is needed of the area in question before moving forward with this project. Mayor McGuinness closed the public hearing as no one else asked to speak.

Other Business

There was no other business to come before the Council.

Announcements & Presentations

There were no announcements or presentations.

Council Member Comments Concerning Board and Commission Activities

Councilor Henderson reported that the RDC has recently toured all of the buildings they own. He also stated that he and RDC President Bob Heuchan are working on a list of projects that can be funded by the RDC. He stated that they would like to have a joint meeting between the FDC, RDC & City Council in April. Councilor Barnett stated that the Board of Public Works and Safety awarded a demolition contract to D & D Hunt for the demolition of the Red Carpet Inn. Councilor Barnett stated we were not approached by the FDC concerning the proposed purchase of the Red Carpet Inn. Councilor Barnett recommended that the RDC work to bring in new restaurants or businesses to that area. He also said that it is his personal opinion that the FDC should dissolve and return their funding back to the city.

Adjournment

A motion and a second were made to adjourn. As there was no further business to come before the Common Council, the meeting adjourned at 7:55 p.m. The next regular meeting will be held Monday, April 2, 2012 at 6:30 p.m.

Respectfully submitted,
Janet P. Alexander, Clerk-Treasurer

Enrolled 3/30/2010
Approved by Common Council: _____